IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5448 OF 2005
IN
CRIMINAL APPEAL NO.688 OF 2005

Ashok Dattu Tandel ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Prakash Naik Advocate for Applicant
Mr.B.H.Mehta, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 31,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. The applicant has been convicted under Section 376 of IPC.

2. Mr.Naik has submitted that the applicant was on bail during the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution.

3. The learned advocate for the applicant has pointed out that though the prosecutrix is a young unmarried girl, no injuries at all were found on the prosecutrix. I find some merit in this submission as on going through the evidence of P.W.3 Dr.Shivaji Daund, it is seen that there were no injuries at all on the body of the prosecutrix.

4. Mr.Naik has further submitted that the applicant has been falsely involved in this case on account of previous enmity. He has drawn my attention to the evidence of the prosecutrix wherein she has admitted that a few days prior to the incident, her mother had a quarrel with the applicant. Mr.Naik has further submitted that there is delay in lodging the F.I.R. and looking to the fact that there are no injuries on the prosecutrix, he has submitted that applicant has been falsely implicated in this case.

5. Mr.Naik also drew my attention to the evidence of the prosecutrix wherein she has admitted that the police sitting in the Court had tutored her as to what is to be deposed by her. Looking to the

fact that there is delay in lodging the FIR and the fact that no injuries were found on the prosecutrix and the fact that prosecutrix has admitted that she was tutored by the police as to what she should depose before the Court and the other facts and circumstances of this case, I am inclined to grant bail to the applicant.

6. The applicant-Ashok Dattu Tandel to be released on bail in the sum of Rs.30,000/- with one or two sureties to make up that amount. The applicant shall report at concerned Police Station once in a week during the pendency of the appeal.

7. Application is disposed of.

[V.K.TAHILRAMANI,J.]